

Message Text

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46

ACTION IO-10

INFO OCT-01 AF-06 EUR-12 ISO-00 AID-05 SSO-00 NSCE-00

USIE-00 INRE-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 OMB-01

COME-00 EB-07 LAB-04 SIL-01 IOE-00 NEA-10 EA-06 ARA-06

/108 W

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O R 291515Z MAY 75

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC IMMEDIATE 4673

INFO AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PRETORIA

USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: PGOV, SHUM, WA, SF

SUBJECT: EXAGGERATED REPORTS ON REPEAL OF PASS LAWS IN NAMIBIA

REF: CAPE TOWN 588

1. RAND DAILY MAIL AND CAPE TIMES HAVE OVERREACTED TO
RELATIVELY MINOR CHANGES IN FREEDOM OF MOVEMENT FOR BLACK
NAMIBIANS. FOLLOWING AN ANNOUNCEMENT MAY 28 BY SOUTH AFRICA'S
CHIEF BANTU AFFAIRS COMMISSIONER FOR SOUTH WEST AFRICA THAT
CERTAIN PROCLAMATIONS HAD BEEN REPEALED, MAIL CARRIED HEADLINE,
" SOUTH WEST AFRICAN PASS LAWS TO GO." SIMILARLY, CAPE TIMES
HEADLINE READ, "SWA PASS LAWS SCRAPPED." ACCORDING TO BANTU
AFFAIRS OFFICIAL WHOM WE CONTACTED, PRESS HAS GROSSLY

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MISINTERPRETED WHAT THE REPEAL OF THE PROCLAMATIONS WILL

MEAN TO BLACK NAMIBIANS.

2. REPEALED ARE FOUR PROCLAMATIONS WHICH WERE ENACTED IN 1935, 1922, 1920, AND 1917 RESPECTIVELY. OF THESE, ONLY TWO ARE OF DIRECT IMPORTANCE. PROCLAMATION 34 OF 1920 PUT INTO EFFECT REGULATIONS KNOWN GENERALLY IN SOUTH AFRICA AS MASTER AND SERVANT LAWS, WHICH PROVIDED FOR PUNISHMENT FOR AFRICANS WHO CONTRAVENED THE TERMS OF THEIR EMPLOYMENT. THIS PROCLAMATION WAS SCRAPPED AS LOGICAL CONSEQUENCE OF REPEAL LAST YEAR BY PARLIAMENT OF ALL MASTER AND SERVANT LEGISLATION IN SOUTH AFRICA.

3. THE OTHER PROCLAMATION OF INTEREST IS NUMBER 29 OF 1935, KNOWN AS THE EXTRA-TERRITORIAL AND NORTHERN NATIVE CONTROL PROCLAMATION. IN ESSENCE IT PROVIDED FOR THE CONTROL OF RECRUITMENT OF LABORERS FROM OWAMBO AND KAVANGO WHO WERE TO WORK IN THE "POLICE ZONE" (WHITE AREA). BECAUSE THE OWAMBO AND KAVANGO GOVERNMENTS HAVE, FOR THE PAST COUPLE OF YEARS, TAKEN OVER THE LABOR RECRUITMENT PROCESS, PROCLAMATION 29 WAS REDUNDANT AND, FOR THIS REASON, HAS NOW BEEN DONE AWAY WITH. INCIDENTAL TO THE PROCLAMATION WAS A PROVISION THAT AFRICANS WHO TRAVELED INTO THE POLICE ZONE HAD TO HAVE A "NATIVE IDENTIFICATION PASS." THIS NOW NO LONGER APPLIES.

4. HOWEVER, INFLUX CONTROL HAS NOT BEEN REMOVED. REFERRING TO THE ACTION, DIRK MUDGE, SENIOR MEMBER OF THE EXECUTIVE COMMITTEE OF THE SWA LEGISLATIVE ASSEMBLY, HAS STATED: "THIS WILL LEAD TO FREER MOVEMENT FOR PEOPLE, BUT THERE WILL BE STILL SOME FORM OF INFLUX CONTROL. IT MEANS PEOPLE CAN VISIT ANYWHERE IN THE COUNTRY BUT THEY WILL HAVE TO HAVE A SERVICE CONTRACT IF THEY ARE GOING TO STAY." MIGRATORY WORKERS MUST BE ABLE TO PROVE THEY HAVE VALID EMPLOYMENT BEFORE THEY WILL BE ALLOWED TO REMAIN IN THE "WHITE AREAS." OTHER BLACKS WILL NOT NEED TO CARRY A PASS, BUT IF THEY HAVE NO PROOF OF WORK THEY WILL HAVE TO RETURN TO THEIR DESIGNATED HOME AREA. MOREOVER, IN OWAMBO, EMERGENCY REGULATIONS (PROCLAMATION R17) STILL APPLY AND THE OWAMBO GOVERNMENT RETAINS CONTROL OF THE INGRESS AND EGRESS OF PERSONS TO AND FROM THAT "HOMELAND."

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5. PROCLAMATIONS REPEALED APPARENTLY ARE THOSE REFERRED TO BY SAG IN AIDE MEMOIRE GIVEN TO TRIPARTITE REPS MAY 27 (CAPE TOWN 587). HOWEVER, STEPS TAKEN BY THE SOUTH AFRICAN BANTU AFFAIRS AUTHORITIES DO VERY LITTLE TO AMELIORATE THE SITUATION IN NAMIBIA AND DO NOT APPEAR TO BE SPECIFICALLY INTENDED TO MEET THE DEMAND OF SECURITY COUNCIL RESOLUTION 366 REGARDING DISCRIMINATION.

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